

REFERENCE TITLE: nonprofit recreation centers; planned communities

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1330

Introduced by
Senator Blendu

AN ACT

AMENDING SECTION 33-1802, ARIZONA REVISED STATUTES; RELATING TO PLANNED COMMUNITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 33-1802, Arizona Revised Statutes, is amended to
3 read:

4 33-1802. Definitions

5 In this chapter and in the community documents, unless the context
6 otherwise requires:

7 1. "Association" means a nonprofit corporation or unincorporated
8 association of owners that is created pursuant to a declaration to own and
9 operate portions of a planned community and that has the power under the
10 declaration to assess association members to pay the costs and expenses
11 incurred in the performance of the association's obligations under the
12 declaration. **AN ASSOCIATION DOES NOT INCLUDE A NONPROFIT CORPORATION OR**
UNINCORPORATED ASSOCIATION OF OWNERS THAT DOES NOT POSSESS THE POWER PURSUANT
TO A RECORDED COMMUNITY DOCUMENT TO ENFORCE UNIFORM WRITTEN RESTRICTIONS ON
THE USE OF ALL OF THE ASSOCIATION MEMBERS' REAL PROPERTY AND WHOSE MEMBERS
HAVE THE RIGHT TO USE THE REAL ESTATE THAT IS OWNED AND OPERATED BY THE
NONPROFIT CORPORATION OR UNINCORPORATED ASSOCIATION OF OWNERS.

13 2. "Community documents" means the declaration, bylaws, articles of
14 incorporation, if any, and rules, if any.

15 3. "Declaration" means any instruments, however denominated, that
16 establish a planned community and any amendment to those instruments.

17 4. "Planned community" means a real estate development which includes
18 real estate owned and operated by a nonprofit corporation or unincorporated
19 association of owners that is created for the purpose of managing,
20 maintaining or improving the property and in which the owners of separately
21 owned lots, parcels or units are mandatory members and are required to pay
22 assessments to the association for these purposes. Planned community does
23 not include a timeshare plan or a timeshare association that is governed by
24 chapter 20 of this title.